

REMARKS

I. Introduction

Claims 1-18 and 21-26 are pending in this application, of which claims 1, 10, 18, and 23 are independent. The Examiner withdrew the previous rejection of the claims, but cited a new reference, Tohyama et al., and rejected the claims under 35 U.S.C. §103(a) in combination with Yamada et al. and Watanabe et al. of record.

II. The Rejection of Claims 1-5, 13-15, and 23

Claims 1-5, 13-15, and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tohyama et al. in view of Yamada et al.¹

Claim 1-5

The Examiner asserted that the applied combination of Tohyama et al. and Yamada et al. teaches an image processor including all the limitations recited in independent claim 1. This rejection is respectfully traversed.

Applicants submit that Tohyama et al. and Yamada et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in independent claim 1. Specifically, the applied combination of the references does not teach, among other things, the claimed image synthesizer which generates a scale image, representing a substantially real size, at a position specified on the image presented on the display in accordance with three dimensional positional information of the object and for combining the scale image with the image of the object, as recited in claim 1.

¹ Paragraph 1 of the Office Action indicates that claims 1-18 and 21-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tohyama et al. and Yamada. However, Applicants believe this paragraph addresses only claims 1-5, 13-15, and 23.

Tohyama et al. is directed to an image synthesizing scope (a video game) in which a ghost image is synthesized with a background image (see, e.g., column 6, lines 29-40). In the statement of the rejection, the Examiner, referring to column 7, lines 34-42; and column 5, lines 63-67, asserted that Tohyama et al. teaches, among other things, “an image synthesizer (58) which generates an image representing a size at a position specified on the image presented on the display, in accordance with three-dimensional positional information of the object and for combining the scale image with the image of object” (see paragraph 2 of the Office Action).

First, it is unclear as to what image of Tohyama et al. corresponds to the “image representing a size at a position on the image presented on the display,” and also unclear as to what image of the reference corresponds to the “image presented on the display.” The Examiner did not clarify what images in Tohyama et al. correspond to the claimed images, respectively.

Second, Tohyama et al. does not teach any image representing a size, i.e., the scale image recited in claim 1. Column, lines 34-42 of Tohyama et al. upon which the Examiner relied is reproduced below:

FIG. 6 shows the front view of the viewing window 12 in the image synthesizing scope 10. A character 202 synthesized as a ghost and displayed in the viewing window 12 is formed such that the video scene displayed on the display 28a is imaged at a distance of L meters forward of the viewing window 12 under the influence of the Fresnel lens 26. This provides a wonderful realism as if the ghost is floating within the space apart from the viewing window by the distance of L meters.

The above paragraph simply describes that ghost character 202 is displayed as if it is floating within a space. However, there is no description regarding the scale image to be generated and combined with the ghost character or the background image.

Column 5, lines 63-67 of Tohyama et al. upon which the Examiner further relied is reproduced below:

A player is so assumed that he or she is a ghost hunter seeking for ghosts in the lone house. The hunter uses his or her image synthesizing scope 10 to shoot and hunt away the ghosts from the lone house.

FIG. 3 shows the details of the aforementioned game stage. The game stage is assumed to be the interior of a lone house which is infested with ghosts.

The above cited portions merely describe a game to be played with the image synthesizing scope of Tohyama et al.

Third, based on Applicant's study, Tohyama et al. discloses locating an image synthesizing scope toward the room of real objects, and two-dimensionally synthesizing the scene of the real objects and prepared panorama scene (which is cut out by two-dimensional transformation from an image projected on a sphere), optically using a half-mirror in accordance with the direction of the image synthesizing scope (see Fig. 5).

Tohyama et al. fails to teach performing three-dimensional projection transformation with three-dimensional positional information of an object in accordance with a position specified on an image, and generating a scale image. In addition, synthesizing images as shown in Fig. 6 is not three-dimensional synthesizing. What is done by Tohyama et al. is to process only two-dimensional images. Specifically, a character in Fig. 6 is obtained by cutting out the panorama scene and projecting it to a half-mirror (see Fig. 5).

Accordingly, Tohyama et al. does not teach using three-dimensional positional information and specified positional information, and generating a scale image, and fails to perform three-dimensional image processing (position and size transformation).

Therefore, Tohyama et al. does not teach, at a minimum, the claimed image synthesizer which generates a scale image, representing at a position specified on the image presented on the display in accordance with three-dimensional positional information of the object and for combining the scale image with the image of the object, as claimed.

The secondary reference, Yamada et al., fails to disclose the use of three-dimensional positional information of the object or combine the scale image with the image of the object, as admitted by the Examiner in the Office Action dated September 9, 2005. In the present Office Action, the Examiner simply asserted that Yamada et al. teaches generating a scale image representing a substantially real size. The Examiner did not provide any comments on whether the reference teaches the use of three-dimensional positional information of the object or combining the scale image with the image of the object. Yamada et al. does not cure the deficiencies of Tohyama et al.

Moreover, there is no motivation to modify the apparatus of Tohyama et al. based on the teachings of Yamada et al. Tohyama et al. discloses a video game machine in which a user shoots ghost 202 (see Fig. 6). Since Tohyama et al. does not discuss the size of ghost 202 or background images, there is no reason to add a scale image to Toyama et al. The Examiner's asserted motivation is "to enable synthesizing and compositing images in a large area with proper placement and scale of the image and object image composited on a display in proper position" (see the first full paragraph on page 3 of the Office Action). This assertion does not explain why a person skilled in the art would have been motivated to modify Tohyama et al. to have a scale image to arrive at the claimed invention. Accordingly, Applicants believe that a person skilled in the art having common sense at the time of the invention would not have reasonably used a scale image in the machine of Tohyama et al. *See KSR Int'l v. Teleflex Inc.*, 82 USPQ2d 1385 (2007).

Therefore, Tohyama et al. and Yamada et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in claim 1. Dependent claims 2-4 are also patentably distinguishable over Tohyama et al. and Yamada et al.

at least because these claims include all the limitations recited in independent claim 1.

Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Claims 10 and 13-15

The Office Action does not include the Examiner's comments on claim 10. Accordingly, Applicants presume that claim 10 is allowable or the Examiner did not establish prima facie case of obviousness. However, Applicants will discuss that the applied combination of Tohyama et al. and Yamada et al. does not teach the subject matter recited in claim 10.

Applicants submit that Tohyama et al. and Yamada et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in independent claim 10. Specifically, the applied combination of the references does not teach, among other things, the claimed image synthesizer which combines respective images of multiple objects together in accordance with three-dimensional positional information of the objects so that at least one of the object images is scaled up or down according to a desired size relationship, as recited in claim 10.

Since the claimed image synthesizer utilizes three-dimensional positional information to combine images, Applicants incorporate herein the arguments made for responding to the rejection of independent claim 1. Accordingly, Tohyama et al. and Yamada et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in claim 1. Dependent claims 13-15 are also patentably distinguishable over Tohyama et al. and Yamada et al. at least because these claims include all the limitations recited in independent claim 10. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

Claim 23

Applicants submit that Tohyama et al. and Yamada et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in independent claim 23. Specifically, the applied combination of the references does not teach, among other things, the claimed image synthesizer which combines respective images of multiple objects together in accordance with three-dimensional positional information of the objects so that alignment points specified at the respective images coincide with each other in three-dimensional positional and in such a manner as to meet a desired size relationship three-dimensionally by processing the respective images to have the same focal length, as recited in claim 23.

Since the claimed image synthesizer utilizes three-dimensional positional information to combine images, Applicants incorporate herein the arguments made for responding to the rejection of independent claim 1. Accordingly, Tohyama et al. and Yamada et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in claim 23. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claim and favorable consideration thereof.

III. The Rejection of Claims 6-9, 11, 12, 16-18, and 24-26

Claims 6-9, 11, 12, 16-18, and 24-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tohyama et al. in view of Yamada et al., and further in view of Watanabe et al.

Claim 18

Applicants submit that Tohyama et al., Yamada et al., and Watanabe et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in independent claim 18. Specifically, the applied combination of the references does not teach, among other things, the claimed image synthesizer which generates an image, representing the object substantially in its real size when presented on the display, by scaling the image up or down in accordance with three-dimensional positional information of the object obtained from the image of the object, as recited in claim 18.

Since the claimed image synthesizer utilizes three-dimensional positional information for generating an image, Applicants incorporate herein the arguments made for responding to the rejection of independent claims 1, 10, and 23 under 35 U.S.C. §103 for obviousness predicated upon Tohyama et al. and Yamada et al. The Examiner's additional comments and additional reference to Watanabe et al. do not cure the deficiencies of Tohyama et al. and Yamada et al.

Accordingly, Tohyama et al., Yamada et al., and Watanabe et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in claim 18. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claim and favorable consideration thereof.

Claims 6-9, 11, 12, 16, 17, and 24-26

Claims 6-9, 11, 12, 16, 17, and 24-26 depend from independent claims 1, 10, and 26, respectively. Applicants incorporate herein the arguments made for responding to the rejection of independent claims 1, 10, and 23 under 35 U.S.C. §103 for obviousness predicated upon Tohyama et al. and Yamada et al. The Examiner's additional comments and additional reference to Watanabe et al. do not cure the deficiencies of Tohyama et al. and Yamada et al.

Based on the foregoing, Tohyama et al., Yamada et al., and Watanabe et al., either individually or in combination, do not disclose or suggest an image processor including all the limitations recited in claim 6-9, 11, 12, 16, 17, and 24-26. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claim and favorable consideration thereof.

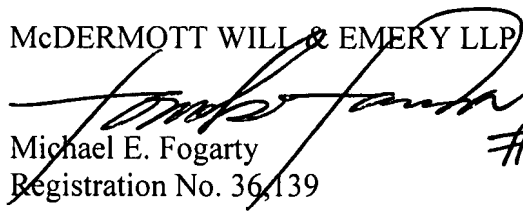
IV. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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